

STATUTORY DECLARATION

I Richard Smith

of: Holywell Farm Ashby Road Loughborough LE11 3QU.

make this statement in support of the Helen Jean Cope Charity's objection to the proposed additional Footpath on Pasture Land adjoining Leconfield Road, Nanpantan, Loughborough.

Section 53 Wildlife and Countryside Act 1981 – Preliminary Consultation.

1. I had occupation of an area of grassland owned by the Helen Jean Cope Charity ('the Charity'), which is situated off Leconfield Road Nanpantan Loughborough and shown edged red on the Plan ('the Plan') attached at Appendix 1 ('the Land') to this Statement of Truth.
2. I occupied the Land as a sub-tenant of Pat and Richard Bailey, farmers, of Bawdon Lodge Farm. The Baileys farmed the land for grazing of livestock under a Farm Business Tenancy, as part of a wider farm holding undertaken on other land nearby. I occupied the Land from 1st April to the 30th November each year on an ad hoc basis from 2001 until the field was removed from the Bailey's Farm Business Tenancy Agreement in 2019.
3. During my occupation of the Land, I grazed the field with my own cows and calves and young stock from the beginning of April to the end of November depending on the growing season, I would also mow the field for either silage or hay in May/June each year.
4. The original access to the Land was via a farm track off Nanpantan Road. This was a private gated access. This access route is marked by a yellow line on the Plan attached at Appendix 2.
5. However, due to the location of my farm, which is situated at Holywell Farm Ashby Road Loughborough, I accessed the Land via the track off Snells Nook Lane and running along the southern boundary of Burleigh Wood, shown by a blue line on the Plan attached at Appendix 2. I attach at Appendix 3 a letter from the Charity's Highways Consultant, David Cheetham of Rodgers Leask dated 31 January 2007 addressed to the Highway Officer (Duncan Clarke) at Leicestershire County Council which clearly refers to the existing access I have described above to the Land via a farm track from Snells Nook Lane.

6. I can confirm that there was no direct vehicular, pedestrian or any other access from Leconfield Road onto the Land until 2008 when planning permission was granted for the construction of a new agricultural access (a copy of the planning permission is attached at Appendix 4). Up to 2007 the field boundary from the Land with Leconfield Road comprised a hawthorn hedge and an Oak Tree with a short length of post and rail fence adjoining. Prior to the date access could only be gained from Leconfield Road by climbing over the post and rail fence adjoining the oak tree. The planning permission granted required removal of the hedge, post and rail fencing and the Oak Tree (which itself had been damaged by fire) to enable the new agricultural access to be created. The new field gate and access way from Leconfield Road to the Land was constructed in May 2008.
7. I can confirm to the best of my knowledge and belief, that during the time of my occupation of the Land the access gates adjoining Burleigh Wood (shown marked 'X' on the Plan in Appendix 1) and the new access gate erected on the boundary of the Land with Leconfield Road were not chained and padlocked until July 2021 they were both secured with barbed wire and consequently any unauthorised access would only be possible by climbing over the gate or adjoining fence. The barbed wire securing the access gates would be checked daily during the grazing season and would be removed to allow authorised traffic to gain access and replaced once they vacated the field.
8. During the time the Land was stocked with my livestock I would always check on the cattle at least once a day.
9. I can confirm that throughout the period of my occupation of the Land, I challenged dog walkers and other members of the public on many occasions, far to numerous to particularise, and informed them that the Land was private land and that there was no public footpath crossing the field, the possible dangers posed by the cattle and that they were trespassing on private land. More often than not those trespassing would leave the field when challenged by me.
10. To the best of my knowledge and belief members of the public would gain access to the field by either climbing over the post and rail fence adjoining the damaged Oak tree or climbing over the field gate located in the north west corner adjoining Burleigh Wood.
11. I can confirm that to the best of my knowledge and belief I did not witness any of those members of the public trespassing on the Land walking the specific route shown by the line of broken between points marked A-B-C-D-E on the Plan attached in Appendix 5. The most common route I witnessed the trespasses using was a short cut from Leconfield Road directly in a north-westerly direction only to Burleigh Wood.

I believe that the facts and matters contained in this statement are true.

Signature (of person making this statement)

Print full name: RICHARD ODELL SMITH

Date: 3 - 11 - 23

Witness signature:

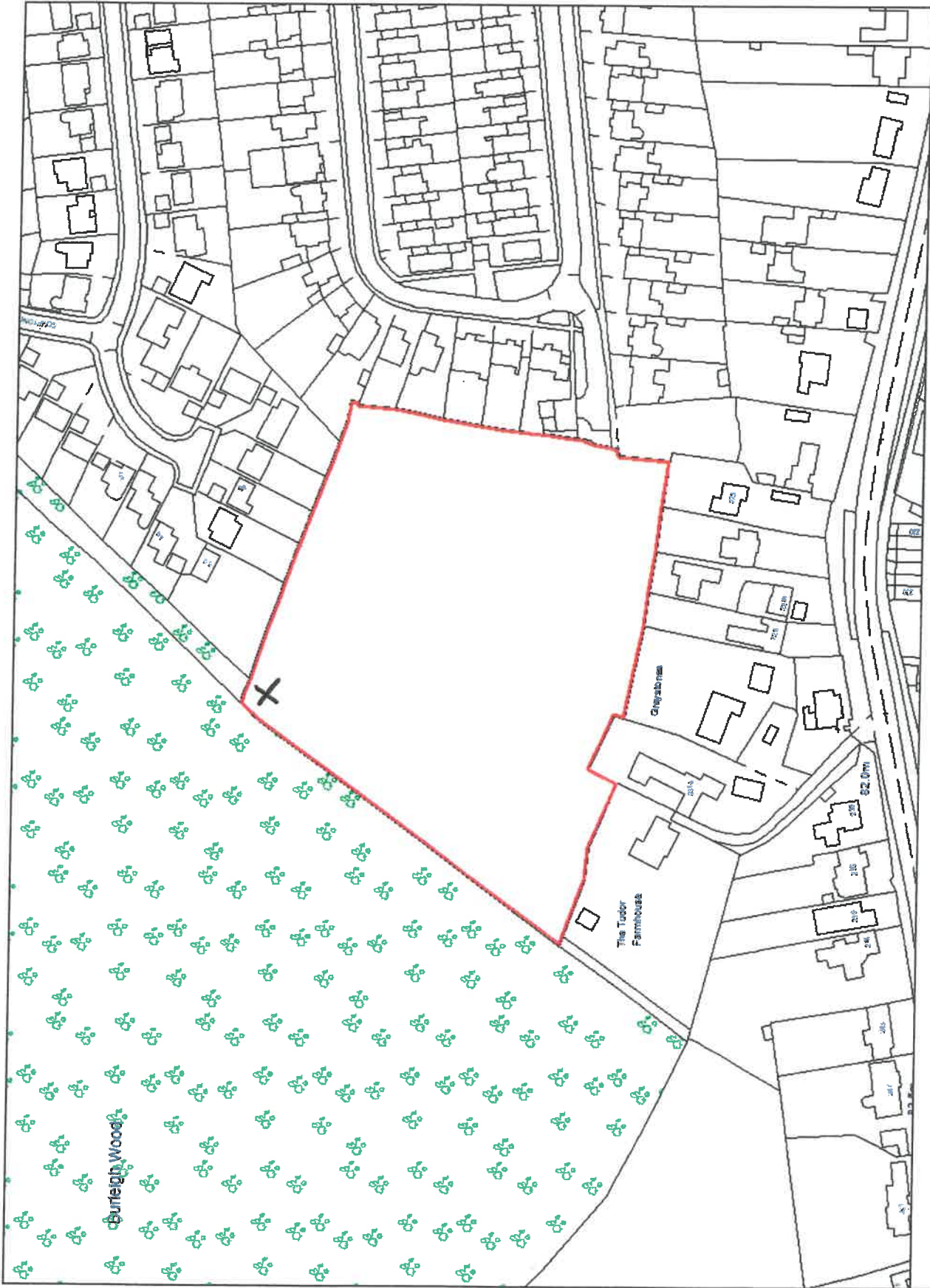
Witness: DHARMESH N. TANNA 2023 Solicitor

Address: Commissioner for Oaths S.R.A: 2378

Occupation: Moss Solicitors LLP 80-81 Woodgate Loughborough Leicestershire LE11 2X

(No legal advice sought or given)

APPENDIX 1



Land at Leconfield Road, Loughborough, Leicestershire

Not to scale - for identification purposes only

APPENDIX 2

APPENDIX 3

Rodgers Leask Limited
 Consulting Traffic Transportation Civil & Structural Engineers

DC/DR/TD06/108.310107

31 January 2007

Duncan Clarke
 Leicestershire County Council
 County Hall
 Leicester Road
 Glenfield
 Leicester
 LE3 8RJ

COPY

Dear Duncan

LECONFIELD ROAD, NANPANTAN

I refer to our recent discussions in respect of a new field access at the above location.

As you are aware, our Client owns the field which abuts the end of Leconfield Road. This field is currently served from an access onto Snells Nook Lane and via a farm track to the field gate. This means of access will shortly be no longer available to our Client due to reorganisation of the farmland. As a consequence, our Clients field will become landlocked.

Please find enclosed drawing number TD06/108-001, which shows our preliminary access proposals. As previously discussed, the access would be taken from the hammerhead on Leconfield Road adjacent to house number 116. It would be a dropped kerb access with a tarmac surface. A 12ft (3.60m) gate and a new fence would be provided along the boundary with Leconfield Road and an area of hardstanding would be provided within the site to allow vehicles to turn, thereby not creating a muddy area which could be transported onto the public highway.

Further to your request, I would advise that it is not possible to set the gate back 11m from the existing fence line. Once you enter into the site, the ground starts to rise fairly steeply after approximately 15m. Therefore, setting the gate 11m into the site would not allow the provision of an area of hardstanding of sufficient size to enable vehicles to manoeuvre within it. I am aware that this requirement was to allow vehicles entering the field to park off the public highway whilst opening/closing the field gate. However, the access to the field is to be taken from a quiet cul-de-sac, approximately 30m in length, which serves only 2 residential properties. Therefore, any obstruction caused by vehicles parking on the highway to open/close the gate would be very temporary in nature and would be unlikely to cause any highway problems.

continued

Role Mill 49 Canal Street Derby DE1 2RJ Tel: 01332 285000 Fax: 01332 291728 Email: rllderby@rodgersleask.co.uk Website: www.rodgersleask.co.uk

Also at: Old House Gorsey Lane Colehill Birmingham B46 1JU Tel: 01675 467850 Fax: 01675 466637 Email: rlbirmingham@rodgersleask.co.uk

43 Friends Road Croydon CR0 1ED Tel: 020 8604 8721 Fax: 020 8604 8722 Email: rlcroydon@rodgersleask.co.uk

Reg. Office: Role Mill 49 Canal Street Derby DE1 2RJ Company Reg. No. 2352923

DC/DP/TD06/108 310107

31 January 2007 - Page 2

Duncan Clarke - Leicestershire County Council

I trust that this information is satisfactory for your purposes and look forward to receiving your acceptance of our access proposals. However, should you have any queries or require any further information, please do not hesitate to contact me.

Yours sincerely



Dave Cheetham
DIRECTOR
Mobile: 07831 769882
Email: dave.cheetham@roddersleask.co.uk

cc: Noel Manby - EA Lane & Sons ✓

APPENDIX 4

GRANT OF PLANNING PERMISSION



Directorate of Development – Development Control
Southfield Road, Loughborough, Leicestershire. LE11 2TN

To: E A Lane & Sons
100 Regent Road
Leicester
LE1 7DG

Details of Application

APPLICATION No: P107/1974/2
PROPOSAL: Formation of agricultural access.
LOCATION: End of Leconfield Road, Loughborough
APPLICANT: Trustees of the Helen Jean Cope Trust

Details of Decision

Charnwood Borough Council has considered this application under the Town and Country Planning Act, 1990, and grants permission for the development described in the submitted documents and on any accompanying plans and drawings.

This permission is granted subject to conditions. The conditions of this permission, and the reasons why they have been imposed, are as follows:

1. The development, hereby permitted, shall be begun not later than 3 years from the date of this permission.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The hedge located on the east boundary of the application site shall be retained and maintained. Any part of the hedge removed, dying, being severely damaged or becoming seriously diseased shall be replaced, with hedge plants of such size and species as previously agreed in writing by the local planning authority, within one year of the date of any such loss.

REASON: The hedge is an important feature in the area and its retention is necessary to help screen the new development, maintain the wildlife corridor and a possible habitat for bats.

3. A suitable tree, the siting, size and species of which shall first be agreed in writing by the local planning authority, shall be planted, generally in the location of the Oak tree removed earlier this year, during the first available planting season following the formation of the access and, should it fail, it shall itself be replaced within the first available planting season following such loss.

REASON: The tree is an important feature in the area and this condition is imposed to make sure that there is no long term loss to the overall appearance and character of the area.

The requirements of these conditions must be complied with.

Continued.....

PLEASE READ THE IMPORTANT NOTES ON THE BACK OF THIS FORM

NOTES

Please quote the application number included at the top of the decision notice whenever you contact us.

This notice grants planning permission only. It does not allow the demolition of a listed building, for which a separate consent is needed. If you are carrying out building work, you should check whether you need approval under the Building Regulations. If you are carrying out works on highway land, you should check whether you need the approval of Leicestershire County Council. You are also advised to check whether any restrictive covenants apply to the application site.

Appeals to the Secretary of State for Communities and Local Government (DCLG)

You can appeal to the DCLG against our decision to include conditions on this planning permission.

You must appeal within six months of the date of this notice using a form which you can get from the Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol. BS1 6PN (Tel: 0117 372 6372; Web-Site: www.planning-inspectorate.gov.uk). The (DCLG) can allow a longer period for making an appeal, but will not normally do so unless there are special circumstances to justify any delay.

A useful resource is the Planning Portal with guidance, information and relevant links to assist in the appeals process: www.planningportal.gov.uk

The (DCLG) need not consider an appeal if it seems to him that we could not have granted planning permission for the proposed development or could not have granted it without the conditions we have imposed, having regard to planning law, to the provisions of any development order and to any directions given under a development order.

In practice, the (DCLG) does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by the (DCLG).

Purchase Notices

If either we or the Secretary of State grants permission conditionally, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Access and provision for disabled persons.

If your proposal involves shops, offices, factories, educational buildings & buildings to which the public are to be admitted, you should check the requirements of the Chronically Sick & Disabled Persons Act 1970 (Sections 4,7,8 and 8A) requiring the provision of access facilities, car parking and toilets for the disabled and the provision of signing indicating what provision has been made for Disabled persons within the building. You should also check the Code of Practice B.S. 5810 : 1979, "Access for the Disabled to Buildings" available from the British Standards Institution, 2, Park Street, London, W1A 2BS and (in so far as educational buildings are concerned), to Design Note 18" Access for the Disabled to Education Buildings".

Access for fire brigade.

Where you make an application for approval under the Building Regulations for the erection or extension of a building, the Council will have to reject the plans unless, after consulting the Fire Brigade, they are satisfied that the plans show:

- (a) that there will be adequate means of access for the Fire Brigade; and
- (b) that the proposed works will not make inadequate any existing means of access for the Fire Brigade to a neighbouring building.

P/07/1974/2

The following notes should be taken into account when carrying out the development:

1. **DEVELOPMENT PLAN POLICIES RELEVANT TO THIS DEVELOPMENT** - Policies EV/18 and EV/20 of the Borough of Charnwood Local Plan (adopted 12th January 2004) have been taken into account in the determination of this application. The proposed development complies with the requirements of these Local Plan policies and there are no other material considerations which are of significant weight in reaching a decision on this application.
2. Planning permission has been granted for this development because the Council has determined that, although representations have been received against the proposal, it is generally in accord with the terms of the above-mentioned policies and, otherwise, no harm would arise such as to warrant the refusal of planning permission.
3. Please contact Mr Buckingham, the Council's Landscape Officer, on 01509 634766 to discuss details of an appropriate replacement tree species and its siting.

Date of Decision: 26th October 2007



David C Hankin
Director of Development

A3



EI Sub Sta

116

New Fence

3.6m wide Gate

Area of Handstanding

New Fence

Dropped kerb

Tarmac Surface

10m

10m

General Notes.

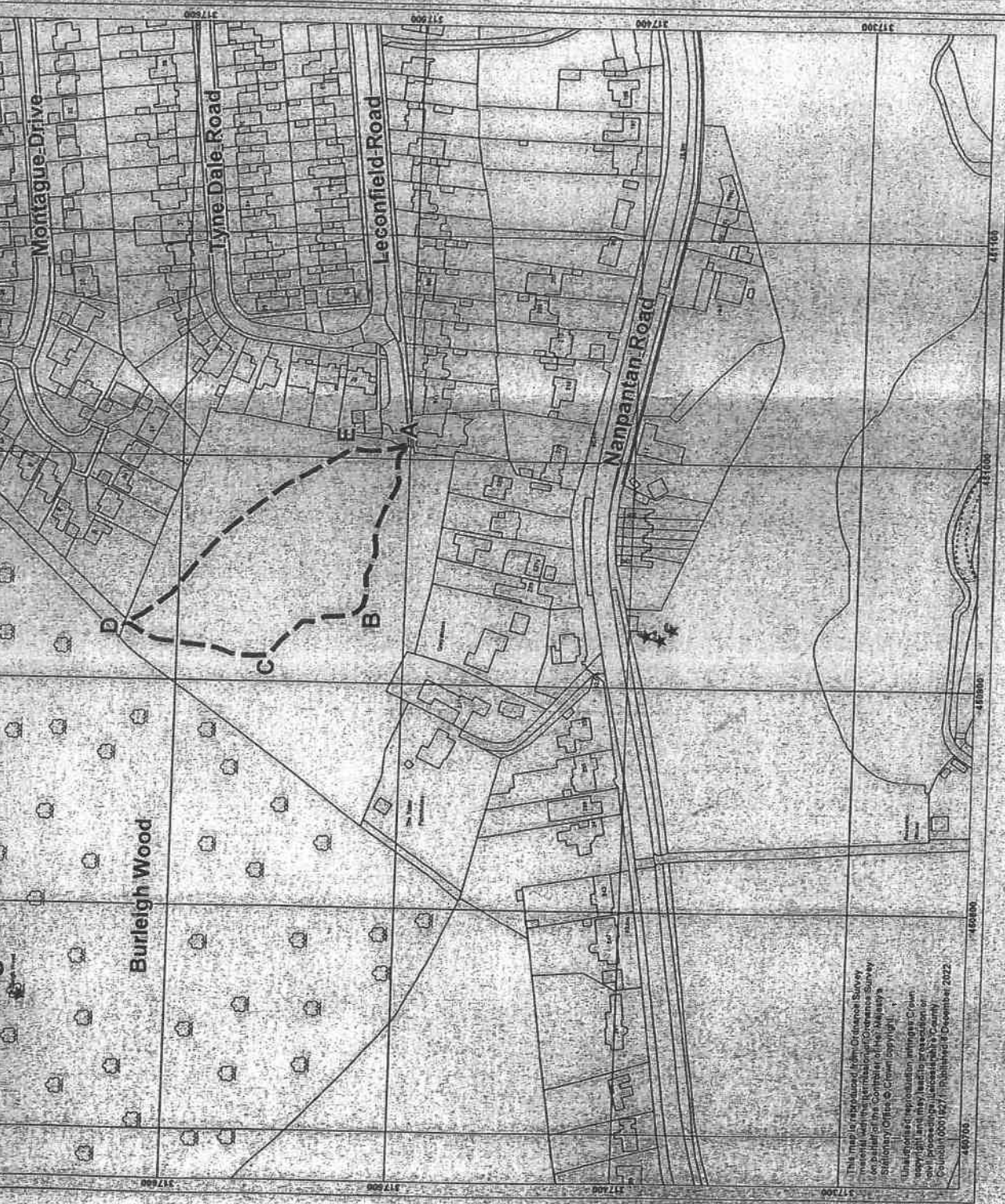
1. Do not scale this drawing. If in doubt, ask.
2. This drawing is to be read in conjunction with all relevant Architects, Engineers and Specialist drawings and specifications.
3. All dimensions are in millimetres unless noted otherwise. All levels are in metres unless noted otherwise.
4. Any discrepancies noted on site are to be reported to the Engineer immediately.



Project: Leconfield Road, Narpanton	Drawing Title: Proposed Access	Scale: 1:250	
		Date:	Issue:
Client: E A LANE & SONS	Project No.:	Drawing No.:	Issue No.:
Rodgers Leask Limited Consulting Engineers, Surveyors, Quantity Surveyors & Structural Engineers 100, 101 & 102, Canal Street, Derby, DE1 1 2JL		Date: 10/01/2011	

APPENDIX 5

**Leicestershire County Council
Proposed Addition of Public Footpath, Leconfield Road, Nantantan,
Loughborough.**



Location Plan



Key

--- Public Footpath Proposed to be Added (A-B-C-D-E)

Environment & Transport Department,
County Hall, Glenfield,
Leicestershire LE3 8RJ,
email: footpaths@leics.gov.uk
Director Ann Garruthers



Plan No.M1269
Scale 1:2500

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